

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 :
 CHRISTINE SCOTT, :
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 Plaintiff, :
 :
 -against- :
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 GRACE CUISINE, INC., et al., :
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 Defendants. :
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DATE FILED: 12/15/21

21-cv-7711 (VSB)

ORDERVERNON S. BRODERICK, United States District Judge:

On September 15, 2021, Plaintiff filed this action against Defendants Grace Cuisine, Inc., Lois Jeanette Pole, Mark Bebbington, and Alvin “Doe.” (Doc. 1.) Plaintiff obtained summonses for Grace Cuisine, Inc., Lois Jeanette Pole, and Mark Bebbington on September 23, 2021. (Docs. 12, 13, 14.) Plaintiff filed a first amended complaint adding Defendant YSB Services Inc. on October 18, 2021, (Doc. 15), and obtained a summons for YSB Services Inc. on October 19, 2021. To date, Plaintiff has not filed an affidavit of service or taken any other action to prosecute this case. Accordingly, it is hereby:

ORDERED that, no later than December 22, 2021, Plaintiff shall submit a letter of no more than three (3) pages, supported by legal authority, demonstrating good cause as to why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). “Good cause is generally found only in exceptional circumstances where the plaintiff’s failure to serve process in a timely manner was the result of circumstances beyond its control.” *E. Refractories Co. v. Forty Eight Insulations, Inc.*, 187 F.R.D. 503, 505 (S.D.N.Y. 1999) (internal quotation marks omitted). “District courts consider the diligence of plaintiff’s efforts to effect proper service and any prejudice suffered by the defendant as a consequence of the delay.” *Id.* (internal quotation

marks omitted). “An attorney’s inadvertence, neglect, mistake or misplaced reliance does not constitute good cause.” *Howard v. Klynveld Peat Marwick Goerdeler*, 977 F.Supp. 654, 658 (S.D.N.Y.1997) (citing *McGregor v. United States*, 933 F.2d 156, 160 (2d Cir.1991), *aff’d*, 173 F.3d 844 (2d Cir.1999)). Plaintiff is warned that failure to submit a letter and to demonstrate good cause for failure to serve Defendants Grace Cuisine, Inc., Lois Jeanette Pole, Mark Bebbington, and Alvin “Doe” within ninety days after the complaint was filed will result in dismissal of this action.

SO ORDERED.

Dated: December 15, 2021
New York, New York



VERNON S. BRODERICK
United States District Judge